

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MASTER GROUP GLOBAL CO., LIMITED, :

Plaintiff, :

- against - :

TONER.COM, INC., :

Defendant. :

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**MEMORANDUM DECISION  
AND ORDER**

: 19-CV-06648 (AMD) (RLM)

**ANN M. DONNELLY**, United States District Judge:

On November 25, 2019, the plaintiff brought this action against the defendant pursuant to the New York Uniform Commercial Code (“NYUCC”). (ECF No. 1.) The Clerk of the Court issued a certificate of default against the defendant on January 17, 2020. (ECF No. 7.) On March 9, 2020, the plaintiff moved for default judgment. (ECF No. 8.)

Magistrate Judge Roanne L. Mann issued a thorough and well-reasoned Report and Recommendation on August 10, 2020, in which she recommends that the plaintiff’s motion be granted in part and denied in part. (ECF No. 19 at 32.) Judge Mann recommends that the plaintiff be awarded compensatory damages in the amount of \$506,015.14, along with a daily late fee of .01 percent on this sum to be calculated from December 24, 2018 through the entry of this judgment, and that the plaintiff be awarded post-judgment interest at the federal statutory rate. (*Id.* at 32-33.) She also recommends that the plaintiff be awarded costs totaling \$415.00. (*Id.* at 33.) However, Judge Mann recommends that the plaintiff not be awarded \$1,200 based on the plaintiff’s claim regarding a debit note. (*Id.*) She also recommends that the plaintiff not be

awarded attorney's fees or pre-judgment interest. (*Id.*) Neither party has filed objections to Judge Mann's Report and Recommendation.

A district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). To accept those portions of the report and recommendation to which no timely objection has been made, "a district court need only satisfy itself that there is no clear error on the face of the record." *Jarvis v. N. Am. Globex Fund L.P.*, 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (internal quotation marks and citation omitted).

I have reviewed Judge Mann's Report and Recommendation and find no error. Accordingly, I adopt it in its entirety. The plaintiff's motion for default judgment is granted in part and denied in part. The plaintiff is awarded a total of \$506,015.14 in damages, late fees calculated in the manner described above, and \$415.00 in costs<sup>1</sup>, as well as post-judgment interest. The Clerk of Court is respectfully directed to enter an award to the plaintiff and to close this case.

**SO ORDERED.**

s/ Ann M. Donnelly

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ANN M. DONNELLY  
United States District Judge

Dated: Brooklyn, New York  
September 3, 2020

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<sup>1</sup> While there is contrary authority regarding the plaintiff's ability to recover service costs, *see U.S. for Use & Benefit of Evergreen Pipeline Const. Co. v. Merritt Meridian Const. Corp.*, 95 F.3d 153, 172 (2d Cir. 1996), in light of the de minimis amount of funds at issue (\$15) and in the absence of any objection, I adopt Judge Mann's recommendation.